

# THE WEITZ LAW FIRM, P.A.

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January 6, 2023

**VIA CM/ECF**

Honorable Magistrate Judge Gabriel W. Gorenstein  
United States District Court  
Southern District of New York  
500 Pearl Street - Courtroom 6B  
New York, NY 10007

## MEMORANDUM ENDORSED

**Re: Velasquez v. Lavish Beauty Inc., et al.  
Case 1:22-cv-03325-PAE-GWG**

Dear Judge Gorenstein:

The undersigned represents the Plaintiff in the above-captioned matter. Per Order [D.E. 15], in the absence of an answer by a Defendant, any application by Plaintiff for a default judgment shall be filed by January 6, 2023.

The original service of the Complaint to the Defendants was done by the Department of State who serve via certified mail, which in recent times has been backlogged by approximately two months. The undersigned has initiated service through courier service to the subject facility and to the corporate facility in the event the service by the Department of State by certified mail was ineffectual or not received and, in order to solicit a response to Plaintiff's Complaint in this matter by the Defendants.

The Plaintiff states that he believes the Defendants will respond. In our cases and in our experience, Defendants do not respond quickly or readily, but eventually, after a length of time, the Defendants do respond and the case moves forward. The reason this Complaint was filed was due to non-compliance with and violations against the ADA, and a move for default does not remedy the situation and will consequence to work against the very reason the Complaint was filed.

For the foregoing reasons, the undersigned requests a stay until the Defendants respond. If the Court will not grant a stay, Plaintiff respectfully requests an extension of time of 45 days, to move for Default Judgment and thereby permit time for the Defendant to contact the undersigned, make their appearance in this matter and join any current or future settlement efforts.

This Court may wish to take notice that this is the second request for extension of time with regard to the Motion for Default.

Sincerely,

THE WEITZ LAW FIRM, P.A.

By: /s/ B. Bradley Weitz  
B. Bradley Weitz, Esq. (BW9365)  
Attorney for Plaintiff

Counsel made essentially the same argument in his filing last November (Docket # 14). It appears nothing has happened since that time and there is no reason to believe that without further action by plaintiff that defendant will respond. Nonetheless, the Court will reluctantly grant the requested extension of time. Accordingly, in the absence of an answer by a defendant, any application by plaintiff for a default judgment shall be filed by February 20, 2023, shall be made to Judge Engelmayer, and shall comply with his Individual Practices. In the alternative, plaintiff may withdraw this case pursuant to Rule 41 by February 20, 2023. There will be no extension of the February 20, 2023, deadlines absent extraordinary circumstances.

So Ordered.

  
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GABRIEL W. CORENSTEIN  
United States Magistrate Judge

January 9, 2023